

**REMARKS**

Claims 1-33 remain in this application. In the first Office Action, claims 13, 19-21, 26, 28 and 30-31 were indicated to contain allowable subject matter. In response, claims 13, 19, 20, 28 and 30 have been rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Claim 1 has been carefully amended to overcome the rejection under 35 U.S.C. 102(b). Claim 1 now recites that the archwire slot includes an open side and the clip has a region with an opening adjacent the open side of the archwire slot for receiving an archwire. Claim 1 also now recites that the clip is retained on the post when an archwire is admitted through the opening and into the archwire slot.

U.S. Patent No. 6,394,798 to Huff et al. illustrates in Figs. 20 and 21 an orthodontic appliance with a cap ligature 160. However, the cap ligature 160 does not have an opening adjacent the open side of the archwire slot. Instead, the cap is oriented in an opposite direction and any "opening" for an archwire-receiving region would be considered to be located near the bottom of the archwire slot.

In the '798 patent, the lack of an opening in the cap 160 near the open side of the archwire slot means that the archwire cannot be inserted through the cap simultaneously with movement of the archwire through the open side of the archwire slot. Instead, the cap 160 must be removed to admit the archwire into the archwire slot.

Applicant's construction as set out in claim 1 is an advantage, in that the opening of the clip next to the open side of the archwire slot enables the archwire to be latched into the clip at the same time as the archwire is moved into the archwire slot. Such construction results in a savings of time for both the practitioner and the patient, and handling or manipulation of the clip as a separate item is unnecessary.

In addition, there is no teaching in the '798 patent that the cap 160 remains connected to the appliance as an archwire is admitted through the opening and into the archwire slot. Instead, it is believed that both of the cup-shaped portions 162, 164 are disengaged from the appliance body in order to admit an archwire into the archwire slot 32. Fig. 21 of the '798 patent shows

the cap 160 in a partially disengaged orientation. However, as described in column 6, lines 15-20, Fig. 21 is an illustration of the steps of placing the cap ligature 160 onto the bracket, and there is no indication that the cap 160 can be sufficiently rotated to enable an archwire to pass into the archwire slot 32 while remaining connected to the bracket. It appears from Figs. 20 and 21 that the section of the cap 160 adjacent the hook 44 would prevent the cap 160 from rotating sufficiently to admit an archwire into the archwire slot 32 while it is connected to the post 36.

Applicant's claim 1, by comparison, recites that the clip is retained on the post when an archwire is admitted through the opening and into the archwire slot. This provides an important advantage since, as mentioned above, separate handling and manipulation of the clip is avoided. Another advantage is that the likelihood of the clip being accidentally dropped and possibly swallowed is substantially reduced if not eliminated.

Antecedent basis for the new language of claim 1 can be found throughout the specification. Examples include page 10, lines 15-20, page 16, lines 9-11, page 17, lines 7-9, page 18, lines 10-19 as well as the drawings. Consequently, it is believed that there should be no issue of new matter.

The remarks set out above with respect to applicant's claim 1 also apply to the claims dependent from claim 1. It is believed that none of the cited references, whether considered alone or in any hypothetical combination, teaches or otherwise suggests the subject matter of applicant's claims.

For the reasons set out above, it is believed that this application is in full condition for allowance and such action is courteously requested. In the event questions remain, however, the Examiner is invited to contact the undersigned by telephone at her convenience.

Respectfully submitted,

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